

Message Text

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64

ACTION FAA-00

INFO OCT-01 ARA-10 ISO-00 EB-07 DOTE-00 L-03 TRSE-00

CAB-05 CIAE-00 COME-00 DODE-00 INR-07 NSAE-00 /033 W

----- 067897

R 141920Z APR 76

FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC 6669

INFO AMEMBASSY CARACAS

UNCLAS SANTO DOMINGO 1751

E.O. 11652: N/A

TAGS: EAIR, DR

SUBJECT: TECHNICAL ASSISTANCE FOR NEW PUERTO PLATA INTERNATIONAL
AIRPORT

REF: (A) STATE 58464

(B) SD 1192

(C) TELECON EMBASSY/FAA, APRIL 2

(D) STATE 80159

DEPT FOR FAA (AIA 200)

CARACAS FOR FAA MOORE

1. EMBOFF AND FAA'S MOORE MET WITH INFRATUR DIRECTOR FRANCISCO CRUZ AND STAFF MEMBERS MORNING APRIL 8. CRUZ PLEASSED WITH FAA QUICK REACTION AND ACCEPTED GENERAL TERMS OF FAA PROPOSED MOA. HE, NEVERTHELESS, WANTED MOA TO REFLECT THAT FAA RESPONDENT WAS CENTRAL BANK RATHER THAN INFRATUR. EMBASSY MADE CHANGE IN MOA AND PREPARED SPANISH UNOFFICIAL VERSION. BOTH DOCUMENTS TRANSMITTED TO CRUZ MORNING APRIL 9.

2. CENTRAL BANK LEGAL DEPARTMENT RECEIVED FAA PROPOSAL AND INSISTED ON FOLLOWING FORMAT PREVIOUSLY USED DURING FAA-CENTRAL BANK AGREEMENT FOR FLIGHT INSPECTION OF PROPOSED VOR SITE IN 1974. DIRECTOR CRUZ REQUESTED MEETING
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WITH EMBASSY AND FAA REPRESENTATIVE TO DISCUSS AND RE-

VIEW CENTRAL BANK'S COUNTERPROPOSAL MORNING APRIL 11.

3. INFRATUR CONSULTANT ALLEN WILLIAMS (BRITISH SUBJECT) MET WITH COMATT AND MOORE ON APRIL 11 AND PRESENTED CENTRAL BANK'S ENGLISH AND SPANISH VERSION OF MOA. CENTRAL BANK PROPOSED IN ITS VERSION IN ARTICLE IV LIABILITY CLAUSE TO READ: "THE BANK WILL SAVE HARMLESS AND INDEMNITY (SIC) THE FAA, THROUGH A PUBLIC LIABILITY POLICY TO A GLOBAL LIMIT OF RD\$500,000.00, AGAINST ALL CLAIMS WHICH MAY ARISE BY THIRD PERSONS FOR PERSONAL INJURY OR DEATH TO ONE OR MORE PERSONS, OR PROPERTY DAMAGE ARISING OUT OF ANY ACCIDENTS DURING THE COURSE OF THE SERVICES."

4. IN VIEW OF CHANGES, MOORE UNABLE SIGN AGREEMENT. MOREOVER, INFRATUR DIRECTOR CRUZ MENTIONED ON APRIL 8, THAT FOR GODR SPANISH VERSION OF AGREEMENT IS LEGALLY BINDING DOCUMENT. THUS, SPANISH TEXT OF LIABILITY CLAUSE BECOMES IMPORTANT FACTOR.

5. MOORE DEPARTED FOR CARACAS EVENING OF APRIL 11.

6. EMBOFF MET WITH CRUZ AND LEGAL STAFF MORNING OF APRIL 12, REGARDING CHANGES. CRUZ OBTAINED APPROVAL FROM CENTRAL BANK'S LEGAL ADVISER LIC. JUAN O. VELAZQUEZ TO CHANGE AGREEMENT TO FOLLOW MORE CLOSELY FAA'S ENGLISH VERSION IN REGARD TO LIABILITY CLAUSE. LIC. VELAZQUEZ ALSO STATED MOA ENGLISH VERSION COULD BE LEGALLY BINDING DOCUMENT. VELAZQUEZ POINTED OUT, HOWEVER, THAT THE CENTRAL BANK IS AN AUTONOMOUS AGENCY AND PHRASE "ON BEHALF OF THE DOMINICAN REPUBLIC" WOULD HAVE TO BE DROPPED. CENTRAL BANK THEN SUBMITTED NEW VERSION OF MOA WITH WORDING OF LIABILITY CLAUSE MORE CLOSELY FOLLOWING FAA'S MOA.

7. EMBASSY POUCHING:

A) COPY OF AGREEMENT MODIFIED AS EXPLAINED IN PARAGRAPH 1.

B) CENTRAL BANK'S FINAL COUNTERPROPOSAL FOR MOA IN ENGLISH AND SPANISH AS OUTLINED IN PARAGRAPH 6.
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C) COPY OF TECHNICAL SPECIFICATIONS.

D) COPY PUERTO PLATA INTERNATIONAL AIRPORT MASTER PLAN.
EMBASSY ALSO SENDING COPIES OF (A) AND (B) VIA APO
DIRECT TO FAA.

8. INFRATUR MOST ANXIOUS TO CONCLUDE AGREEMENT AT

EARLIEST POSSIBLE DATE AND ACCEPTS OVERALL COST AND WORK
PROGRAM. CENTRAL BANK REQUIRES FOUR (4) SIGNED COPIES
OF AGREEMENT, TWO IN ENGLISH AND TWO IN SPANISH.

9. EMBASSY WOULD APPRECIATE DEPARTMENT AND FAA INSTRUCTIONS
RE CHANGING LIABILITY CLAUSE WHICH ONLY MAJOR ISSUE IN THIS
AGREEMENT.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
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Current Classification: UNCLASSIFIED
Concepts: TECHNICAL ASSISTANCE, CONSTRUCTION, AIRPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976SANTO001751
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760142-0546
From: SANTO DOMINGO
Handling Restrictions: n/a
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Margaret P. Grafeld
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04 MAY 2006

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Status: NATIVE
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TAGS: EAIR, DR, US, FAA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006